



General Assembly

February Session, 2022

***Raised Bill No. 225***

LCO No. 1281



Referred to Committee on PLANNING AND  
DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING CERTAIN ROOFTOP SOLAR INSTALLATIONS  
IN COMMON INTEREST OWNERSHIP COMMUNITIES.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 47-261b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) At least ten days before adopting, amending or repealing any rule,  
4 the executive board shall give all unit owners notice of (1) The executive  
5 board's intention to adopt, amend or repeal a rule and shall include with  
6 such notice the text of the proposed rule or amendment, or the text of  
7 the rule proposed to be repealed; and (2) the date on which the executive  
8 board will act on the proposed rule, amendment or repeal after  
9 considering comments from unit owners.

10 (b) Following adoption, amendment or repeal of a rule, the  
11 association shall give all unit owners notice of its action and include  
12 with such notice a copy of any new or amended rule.

13 (c) Subject to the provisions of the declaration, an association may

14 adopt rules to establish and enforce construction and design criteria and  
15 aesthetic standards. If an association adopts such rules, the association  
16 shall adopt procedures for enforcement of those rules and for approval  
17 of construction applications, including a reasonable time within which  
18 the association [must] shall act after an application is submitted and the  
19 consequences of its failure to act.

20 (d) A rule regulating display of the flag of the United States [must]  
21 shall be consistent with federal law. In addition, the association may not  
22 prohibit display, on a unit or on a limited common element adjoining a  
23 unit, of the flag of this state, or signs regarding candidates for public or  
24 association office or ballot questions, but the association may adopt  
25 rules governing the time, place, size, number and manner of those  
26 displays.

27 (e) Unit owners may peacefully assemble on the common elements to  
28 consider matters related to the common interest community, but the  
29 association may adopt rules governing the time, place and manner of  
30 those assemblies.

31 (f) An association may adopt rules that affect the use of or behavior  
32 in units that may be used for residential purposes, only to:

33 (1) Implement a provision of the declaration;

34 (2) Regulate any behavior in or occupancy of a unit which violates the  
35 declaration or adversely affects the use and enjoyment of other units or  
36 the common elements by other unit owners; or

37 (3) Restrict the leasing of residential units to the extent those rules are  
38 reasonably designed to meet underwriting requirements of institutional  
39 lenders that regularly make loans secured by first mortgages on units in  
40 common interest communities or regularly purchase those mortgages,  
41 provided no such restriction shall be enforceable unless notice thereof is  
42 recorded on the land records of each town in which any part of the  
43 common interest community is located. Such notice shall be indexed by  
44 the town clerk in the grantor index of such land records in the name of

45 the association.

46 (g) In the case of a common interest community that is not a  
 47 condominium or a cooperative, an association may not adopt or enforce  
 48 any rules that would have the effect of prohibiting any unit owner from  
 49 installing a solar power generating system on the roof of such unit  
 50 owner's unit. An association may adopt rules governing (1) the size and  
 51 manner of affixing, installing or removing a solar power generating  
 52 system; (2) the unit owner's responsibilities for periodic upkeep and  
 53 maintenance of such solar power generating system; and (3) a  
 54 prohibition on any unit owner installing a solar power generating  
 55 system upon any common elements of the association.

56 ~~[(g)]~~ (h) An association's internal business operating procedures need  
 57 not be adopted as rules.

58 ~~[(h)]~~ (i) Each rule of the association ~~[must]~~ shall be reasonable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	47-261b

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***PD***      *Joint Favorable*